

in certain school districts, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

SENT TO GOVERNOR

May 17, 1939

House Bill No. 852.

House Bill No. 1067.

SEVENTY-THIRD DAY

(Continued)

(Thursday, May 18, 1939)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Morse.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"It is unto Thee, O, God, that we bring praise and thanksgiving this morning. Great is Thy name and greatly to be praised in all the earth. We acknowledge our unworthiness; but Thou dost encourage us to seek wisdom and guidance. Let the light of full understanding come in, and endow us with courage for all right action. In Jesus' name. Amen."

BILL ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Hunt, House Bill No. 1095 was ordered not printed.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Ragsdale offered the following resolution:

H. C. R. No. 152, To grant Floyd Farrell permission to sue the State.

Whereas, It is alleged that Floyd Farrell of Houston County, Texas, was run over by a car operated by four convict guards who were chasing escaped convicts in the Eastham Prison break in 1937; and

Whereas, It is alleged that Floyd Farrell has lost the use of his right shoulder and arm which are paralyzed, and has suffered other injuries as a result of this accident which occurred while these employees of the Texas Prison System were discharging their duties as employees of the State; now, therefore, be it

Resolved, That the House of Representatives, the Senate concurring, That Floyd Farrell be, and is hereby granted, permission to bring suit against the Texas Prison Board and the State of Texas in the District Court of the Third Judicial District at Crockett in Houston County, Texas, in order to determine what damages, if any, he suffered, and what compensation, if any he may be entitled to by reason of the said alleged act of the persons operating the automobile in the employ of the Texas Prison System; and

That in case suit be filed, service of citation and other necessary process may be had upon the chairman of the Prison Board and the Attorney General of Texas with the same force and effect as is made in civil cases.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

RECALLING HOUSE BILL NO. 1080 FROM THE SENATE

Mr. Bray offered the following resolution:

H. C. R. No. 153, Recalling House Bill No. 1080 from the Senate.

Whereas, House Bill No. 1080 is a local bill; and

Whereas, Some of the local people are desirous of obtaining a public hearing on said bill; now therefore, be it

Resolved, That the House of Representatives, the Senate concurring, recall the bill to the House of Representatives in order to hold a public hearing on same.

The resolution was read second time, and was adopted.

SENATE BILL NO. 427 ON PASSAGE TO THIRD READING

The Speaker laid before the House, as pending business, on its passage to third reading,

S. B. No. 427, A bill to be entitled "An Act making appropriations for support and maintenance of the executive and administrative departments and agencies of the State government for the two-year period beginning September 1, 1939, and ending August 31, 1941, etc., and declaring an emergency."

The bill having heretofore been read second time with committee

amendment by Mr. Thornton, pending.

Mr. Petsch offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, page 93, by adding between line 39 and line 40, the following:

"Salaries:

1. Intangible Tax Auditor, \$3,600.00—\$3,600.00.

2. Intangible Tax Stenographer, \$1,350.00—\$1,350.00.

3. Chief Supervisor Mail Room, \$2,100.00—\$2,100.00.

4. Inheritance Tax Auditor, \$2,400.00—\$2,400.00.

5. Ad Valorem Tax Clerk, \$2,100.00—\$2,100.00.

6. Ad Valorem Tax Clerk, \$2,100.00—\$2,100.00."

PETSCH,
McNAMARA,
HARDEMAN,
BAKER of Fort Bend,
TURNER,
SMITH of Hopkins,
STINSON.

Mr. Morris moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—73

| | |
|------------------|--------------|
| Allen | Ferguson |
| Allison | Fielden |
| Alsup | Galbreath |
| Anderson | Gordon, Mrs. |
| Bailey | Hankamer |
| Baker of Grayson | Hartzog |
| Blankenship | Heflin |
| Bray | Howington |
| Bridgers | Hull |
| Broadfoot | Isaacks |
| Brown | Keith |
| of Nacogdoches | Kennedy |
| Bundy | Kerr |
| Burkett | Kinard |
| Burney | Langdon |
| Cauthorn | Lehman |
| Colquitt | Leyendecker |
| Colson, Mrs. | Little |
| Daniel | Lock |
| Davis of Jasper | McAlister |
| Dowell | McDonald |
| Faulkner | McNamara |
| Felty | Montgomery |

Morris
Newell
Nicholson
Pace
Piner
Pope
Reed
Riviere
Roach
Robinson
Russell
Schuenemann
Segrist
Shell
Skiles

Smith of Frio
Smith
of Matagorda
Spencer
Stoll
Talbert
Taylor
Thornton
Vale
Vint
Weldon
Westbrook
White
Wood

Nays—58

| | |
|-------------------|------------------|
| Baker | Hunt |
| of Fort Bend | Johnson of Ellis |
| Bell | Kern |
| Boethel | Kersey |
| Bond | King |
| Boyd | Loggins |
| Boyer | Mays |
| Bradbury | McFarland |
| Bradford | McMurry |
| Brown of Cherokee | Mohrmann |
| Chambers | Monkhouse |
| Cleveland | Oliver |
| Coleman | Petsch |
| Cornett | Pevehouse |
| Crossley | Reader of Bexar |
| Davis of Upshur | Reader of Erath |
| Dean | Reaves |
| Derden | Roberts |
| Dickison | Smith of Hopkins |
| Dickson | Stinson |
| Donaghey | Tarwater |
| Gilmer | Thornberry |
| Goodman | Turner |
| Hale | Voigt |
| Hamilton | Waggoner |
| Hardeman | Wells |
| Hardin | Wilson |
| Harris | Worley |
| Holland | Wright |
| Howard | |

Absent

| | |
|--------------------|------------------|
| Celaya | Harrell of Lamar |
| Clark | Leonard |
| Cockrell | London |
| Corry | McDaniel |
| Dwyer | Ragsdale |
| Fuchs | Rhodes |
| Harp | Tennant |
| Harper | Winfree |
| Harrell of Bastrop | |

Absent—Excused

Johnson of Tarrant

Mr. Petsch offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427 of the Main Division of the Comptroller of Public accounts to read, as follows:

Page 76:

(1) Line 17, change the figures for each year from "\$4,000.00," to "\$4,800.00."

(2) Line 18, change the figures for each year from "\$1,500.00," to "\$1,854.00."

(3) Line 19, change the figures for each year from "\$1,350.00," to "\$1,620.00."

(4) Add line 19a to read, as follows:

"Chief Tax and Delinquent Tax Attorney, \$4,500.00—\$4,500.00."

(5) Line 23, change the figures for each year from "\$720.00," to "\$780.00."

(6) Add line 23a to read, as follows:

"Requisition Clerk, \$2,400.00—\$2,400.00."

(7) Add line 23b to read, as follows:

"Requisition assistant, \$1,350.00—\$1,350.00."

(8) Line 25, change the figures for each year from "\$3,240.00," to "\$4,500.00."

(9) Line 27, change the figures for each year from "\$2,400.00," to "\$2,700.00."

(10) Line 28, change the figures for each year from "\$2,400.00," to "\$2,500.00."

(11) Line 29, change the figures for each year from "\$2,400.00," to "\$2,500.00."

(12) Line 30, change the figures for each year from "\$2,400.00," to "\$2,500.00."

Page 77:

(13) Line 36, change the figures for each year from "\$3,240.00," to "\$4,500.00."

(14) Line 39, change the figures for each year from "\$2,100.00," to "\$2,250.00."

Page 78:

(15) Line 7, change the figures for each year from "\$1,350.00," to "\$1,620.00."

(16) Add line 9a to read, as follows:

"Clerk, \$2,100.00—\$2,100.00."

(17) Line 11, change the figures for each year from "\$2,100.00," to "\$2,250.00."

(18) Line 12, change the figures for each year from "\$1,500.00," to "\$1,575.00."

(19) Line 19, change the figures for each year from "\$2,100.00," to "\$2,250.00."

(20) Line 25, change the figures for each year from "\$3,240.00," to "\$4,000.00."

(21) Line 29, change the figures for each year from "\$1,260.00," to "\$1,350.00."

(22) Line 36, change the figures for each year from "\$3,240.00," to "\$4,500.00."

(23) Line 38, change the figures for each year from "\$2,400.00," to "\$2,500.00."

(24) Line 39, change the figures for each year from "\$2,100.00," to "\$2,400.00."

Page 79:

(25) Line 8, change to read, as follows:

"Tax Clerk, \$2,100.00—\$2,100.00."

(26) Strike out line 9.

(27) Line 11, change the figures for each year from "\$2,400.00," to "\$2,600.00."

(28) Line 12, change the figures for each year from "\$2,400.00," to "\$2,600.00."

(29) Line 13, change the figures for each year from "\$2,400.00," to "\$2,600.00."

(30) Line 14, change the figures for each year from "\$2,400.00," to "\$2,600.00."

(31) Line 15, change the figures for each year from "\$2,400.00," to "\$2,600.00."

(32) Line 16, change the figures for each year from "\$2,400.00," to "\$2,600.00."

(33) Line 17, change the figures for each year from "\$2,400.00," to "\$2,600.00."

(34) Line 27, change the figures for each year from "\$2,100.00," to "\$2,250.00."

(35) Line 28, change the figures for each year from "\$2,100.00," to "\$2,250.00."

(36) Line 29, change the figures for each year from "\$1,500.00," to "\$1,620.00."

(37) Line 38, change the totals to correspond.

Page 80:

(38) Line 6, change the figures for each year from "\$10,000.00," to "\$11,000.00."

(39) Line 17, change the totals to correspond.

(40) Line 19, change the totals to correspond.

PETSCH,
TURNER,
BAKER of Fort Bend,
HARDEMAN,
STINSON,
McNAMARA,
SMITH of Hopkins.

(Mr. Leonard in the Chair.)

Mr. Thornton moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—57

| | |
|----------------|---------------|
| Allen | Kern |
| Allison | King |
| Alsup | Lehman |
| Anderson | Lock |
| Bailey | McNamara |
| Blankenship | Newell |
| Bray | Pace |
| Brown | Pope |
| of Nacogdoches | Reed |
| Burkett | Roach |
| Burney | Russell |
| Cauthorn | Schuenemann |
| Chambers | Segrist |
| Colquitt | Shell |
| Colson, Mrs. | Smith of Frio |
| Daniel | Smith |
| Faulkner | of Matagorda |
| Felty | Spencer |
| Ferguson | Talbert |
| Fielden | Tennant |
| Galbreath | Thornton |
| Gordon, Mrs. | Vale |
| Hankamer | Vint |
| Harper | Voigt |
| Heflin | Waggoner |
| Howington | Weldon |
| Hull | White |
| Isaacks | Wilson |
| Keith | Wood |
| Kennedy | |

Nays—72

| | |
|------------------|----------|
| Baker | Boyd |
| of Fort Bend | Boyer |
| Baker of Grayson | Bradbury |
| Bell | Bradford |
| Boethel | Bridgers |

| | |
|--------------------|------------------|
| Brown of Cherokee | Langdon |
| Bundy | Leyendecker |
| Celaya | Mays |
| Clark | McDaniel |
| Cleveland | McFarland |
| Coleman | Mohrmann |
| Cornett | Monkhouse |
| Corry | Montgomery |
| Davis of Jasper | Morris |
| Davis of Upshur | Oliver |
| Derden | Petsch |
| Dickison | Pevehouse |
| Dickson | Ragsdale |
| Donaghey | Reader of Bexar |
| Dowell | Reader of Erath |
| Dwyer | Reaves |
| Fuchs | Rhodes |
| Gilmer | Riviere |
| Hale | Roberts |
| Hardeman | Robinson |
| Hardin | Skiles |
| Harp | Smith of Hopkins |
| Harrell of Bastrop | Stinson |
| Harrell of Lamar | Stoll |
| Harris | Tarwater |
| Holland | Thornberry |
| Howard | Turner |
| Hunt | Wells |
| Johnson of Ellis | Winfree |
| Kerr | Worley |
| Kersey | Wright |
| Kinard | |

Absent

| | |
|-----------|-----------|
| Bond | Loggins |
| Broadfoot | London |
| Cockrell | McAlister |
| Crossley | McDonald |
| Dean | McMurry |
| Goodman | Nicholson |
| Hamilton | Piner |
| Hartzog | Taylor |
| Little | Westbrook |

Absent—Excused

Johnson of Tarrant

Mr. Thornton called for a division of the questions in the amendment by Mr. Petsch.

Mr. Mays raised a point of order, on the division of the question, on the ground that it is not in order to divide a question as submitted in an amendment.

The Chair overruled the point of order.

Mr. Hale moved to suspend the Rules which provide for a division of the vote, in order that the House may vote on the amendment by Mr. Petsch, as a whole.

The motion to suspend the Rules was lost by the following vote:

Yeas—28

| | |
|-------------------|------------------|
| Anderson | Lock |
| Blankenship | Mays |
| Boyd | Mohrmann |
| Brown of Cherokee | Morris |
| Dickson | Pevehouse |
| Dowell | Piner |
| Goodman | Ragsdale |
| Hale | Smith of Hopkins |
| Hardeman | Stinson |
| Hardin | Talbert |
| Harp | Thornberry |
| Holland | Wells |
| Johnson of Ellis | White |
| King | Worley |

Nays—100

| | |
|--------------------|-----------------|
| Allen | Howard |
| Allison | Howington |
| Alsup | Hull |
| Bailey | Hunt |
| Baker of Grayson | Isaacks |
| Bell | Keith |
| Boethel | Kennedy |
| Bond | Kern |
| Boyer | Kerr |
| Bradbury | Kersey |
| Bradford | Kinard |
| Bray | Langdon |
| Bridgers | Lehman |
| Bundy | Leyendecker |
| Burkett | Little |
| Burney | Loggins |
| Cauthorn | London |
| Chambers | McAlister |
| Clark | McDaniel |
| Cockrell | McDonald |
| Coleman | McFarland |
| Colquitt | McMurry |
| Colson, Mrs. | McNamara |
| Cornett | Montgomery |
| Daniel | Newell |
| Davis of Jasper | Nicholson |
| Davis of Upshur | Oliver |
| Derden | Reader of Bexar |
| Donaghey | Reader of Erath |
| Faulkner | Reaves |
| Felty | Reed |
| Ferguson | Rhodes |
| Fielden | Riviere |
| Fuchs | Roach |
| Galbreath | Roberts |
| Gordon, Mrs. | Robinson |
| Hankamer | Russell |
| Harper | Schuenemann |
| Harrell of Bastrop | Segrist |
| Harrell of Lamar | Shell |
| Harris | Skiles |
| Heflin | Smith of Frio |

| | |
|--------------|-----------|
| Smith | Voigt |
| of Matagorda | Waggoner |
| Spencer | Weldon |
| Stoll | Westbrook |
| Tarwater | Wilson |
| Tennant | Winfree |
| Thornton | Wood |
| Turner | Wright |
| Vale | |

Present—Not Voting

| | |
|----------------|------|
| Brown | Vint |
| of Nacogdoches | |

Absent

| | |
|--------------|-----------|
| Baker | Dwyer |
| of Fort Bend | Gilmer |
| Broadfoot | Hamilton |
| Celaya | Hartzog |
| Cleveland | Monkhouse |
| Corry | Pace |
| Crossley | Petsch |
| Dean | Pope |
| Dickison | Taylor |

Absent—Excused

Johnson of Tarrant

Mr. Davis of Upshur raised a point of order on the division of the question on the ground that it is not in order to divide a question as submitted in an amendment.

The Chair overruled the point of order.

Question recurring on items 1 to 38, inclusive, of the amendment, they were severally lost.

Mr. Faulkner offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, page 106, lines 11 and 12, to read as follows: Line 11, "\$3,000.00", line 12 to read "\$2,400.00".

Mr. Thornton moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—89

| | |
|------------------|-------------------|
| Allison | Bradford |
| Alsup | Bray |
| Bailey | Bridgers |
| Baker of Grayson | Broadfoot |
| Bell | Brown of Cherokee |
| Boyd | Bundy |
| Boyer | Burkett |
| Bradbury | Cauthorn |

| | |
|------------------|-----------------|
| Chambers | McMurry |
| Clark | McNamara |
| Colson, Mrs. | Monkhouse |
| Cornett | Montgomery |
| Davis of Jasper | Morris |
| Davis of Upshur | Newell |
| Derden | Oliver |
| Dickison | Petsch |
| Dickson | Pevehouse |
| Dwyer | Piner |
| Ferguson | Reader of Bexar |
| Fielden | Reaves |
| Goodman | Reed |
| Gordon, Mrs. | Riviere |
| Hale | Roberts |
| Hardeman | Robinson |
| Hardin | Russell |
| Harp | Schuenemann |
| Harper | Shell |
| Harrell of Lamar | Skiles |
| Hartzog | Smith of Frio |
| Heflin | Stinson |
| Holland | Talbert |
| Howard | Tennant |
| Howington | Thornberry |
| Hull | Thornton |
| Hunt | Turner |
| Isaacks | Vale |
| Keith | Voigt |
| King | Waggoner |
| Lehman | Wells |
| Leyendecker | Westbrook |
| Little | Wilson |
| Lock | Winfree |
| Loggins | Wood |
| Mays | Wright |
| McAlister | |

Nays—34

| | |
|--------------------|-----------------|
| Allen | Kennedy |
| Baker | Kern |
| of Fort Bend | Kerr |
| Blankenship | Kersey |
| Brown | London |
| of Nacodgoches | McFarland |
| Coleman | Pace |
| Colquitt | Reader of Erath |
| Corry | Rhodes |
| Crossley | Roach |
| Donaghey | Segrist |
| Dowell | Smith |
| Faulkner | of Matagorda |
| Fuchs | Spencer |
| Galbreath | Stoll |
| Gilmer | Tarwater |
| Harrell of Bastrop | Vint |
| Harris | Weldon |
| Johnson of Ellis | |

Absent

| | |
|----------|-----------|
| Anderson | Burney |
| Boethel | Celaya |
| Bond | Cleveland |

| | |
|----------|------------------|
| Cockrell | McDonald |
| Daniel | Mohrmann |
| Dean | Nicholson |
| Felty | Pope |
| Hamilton | Ragsdale |
| Hankamer | Smith of Hopkins |
| Kinard | Taylor |
| Langdon | White |
| McDaniel | Worley |

Absent—Excused

Johnson of Tarrant

Mr. Mays offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, page 107, by adding a Section to be known as Section 24, to read as follows:

"There is hereby appropriated out of the General Funds of the State of Texas from any moneys not heretofore appropriated, the sum of Five Hundred Thousand (\$500,000.00) Dollars, the same to be under the jurisdiction of the Governor of Texas for the following purpose, to wit:

The Governor is hereby empowered and requested to contact the Federal Government with reference to a P.W.A. or W.P.A. project for the purpose of building adjacent to the State Tubercular Sanatorium located near Carlsbad, Texas, as many cottages as can be built out of the funds herein appropriated, plus W.P.A. or P.W.A. project, these cottages to be especially designed for the proper care of tubercular patients who are unable to secure admittance to the Sanatorium and whose means are such that they cannot afford to enter a private sanatorium, these cottages to be rented at a price not to exceed Seven Dollars and Fifty Cents (\$7.50) per month and to be built large enough to accommodate an attendant as well as a patient. The patients who occupy these cottages shall have medical attention from the doctors attached to the State Sanatorium just the same as those patients who are inmates of the institution. If such P.W.A. or W.P.A. project cannot be successfully arranged by the Governor, this appropriation shall revert to the General Fund at the expiration of one year. If said P.W.A. grant or W.P.A. grant is secured, the Governor is hereby empowered to appoint a Supervisor

for said project whose salary shall not exceed Five Thousand (\$5,000.00) Dollars per year, and said Supervisor shall be under direct authority of the Governor of Texas, and the term of office shall expire concurrently with that of the Governor of Texas."

(Speaker in the Chair.)

Mr. Thornton moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—62

| | |
|--------------------|------------------|
| Allen | Lehman |
| Alsup | Lock |
| Boethel | London |
| Bond | McFarland |
| Bridgers | McMurry |
| Brown | McNamara |
| of Nacogdoches | Nicholson |
| Bundy | Pace |
| Burkett | Reader of Erath |
| Burney | Reed |
| Cauthorn | Rhodes |
| Cockrell | Riviere |
| Coleman | Roach |
| Colquitt | Roberts |
| Colson, Mrs. | Robinson |
| Corry | Russell |
| Davis of Jasper | Schuenemann |
| Davis of Upshur | Smith of Hopkins |
| Ferguson | Smith |
| Fielden | of Matagorda |
| Fuchs | Stinson |
| Galbreath | Talbert |
| Gilmer | Taylor |
| Gordon, Mrs. | Tennant |
| Hankamer | Thornton |
| Harrell of Bastrop | Turner |
| Heflin | Vint |
| Howard | Waggoner |
| Hull | Wilson |
| Kerr | Winfree |
| Kinard | Wood |
| King | Wright |

Nays—58

| | |
|------------------|-----------|
| Allison | Chambers |
| Bailey | Clark |
| Baker | Cleveland |
| of Fort Bend | Cornett |
| Baker of Grayson | Crossley |
| Bell | Dickson |
| Boyd | Dickson |
| Bradbury | Donaghey |
| Bradford | Dowell |
| Bray | Dwyer |
| Broadfoot | Faulkner |

| | |
|------------------|-----------------|
| Hale | Mohrmann |
| Hardeman | Monkhouse |
| Hardin | Morris |
| Harp | Newell |
| Harper | Oliver |
| Harrell of Lamar | Petsch |
| Holland | Pevehouse |
| Howington | Piner |
| Hunt | Ragsdale |
| Isaacks | Reader of Bexar |
| Johnson of Ellis | Shell |
| Keith | Skiles |
| Kennedy | Spencer |
| Kern | Stoll |
| Kersey | Thornberry |
| Leyendecker | Weldon |
| Loggins | Wells |
| Mays | Worley |
| McDaniel | |

Absent

| | |
|-------------------|---------------|
| Anderson | Leonard |
| Blankenship | Little |
| Boyer | McAlister |
| Brown of Cherokee | McDonald |
| Celaya | Montgomery |
| Daniel | Pope |
| Dean | Reaves |
| Derden | Segrist |
| Felty | Smith of Frio |
| Goodman | Tarwater |
| Hamilton | Vale |
| Harris | Voigt |
| Hartzog | Westbrook |
| Langdon | White |

Absent—Excused

Johnson of Tarrant

Question—Shall the committee amendment be adopted?

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following message from the Governor:

May 18, 1939.

To the Members of the House of Representatives of the Forty-sixth Legislature:

In compliance with the request contained in Senate Concurrent Resolution No. 52, I am herewith returning Senate Bill No. 121 to your body for such further consideration as you may wish to give it.

Very truly yours,
W. LEE O'DANIEL,
Governor.

ADOPTION OF CONFERENCE
COMMITTEE REPORT ON
SENATE JOINT
RESOLUTION
NO. 4

Mr. Little submitted the following Conference Committee Report on Senate Joint Resolution No. 4:

Austin, Texas, May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House:

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on Senate Joint Resolution No. 4, beg leave to submit the following report and recommend that it do pass in the form hereto attached.

Respectfully submitted,

MOFFETT,
SMALL,
SHIVERS,
ISBELL,
MOORE,

On the part of the Senate.

LITTLE,
GILMER,
STINSON,
BELL,
DONAGHEY,

On the part of the House.

By Senator Moffett:

S. J. R. No. 4, Proposing an amendment to Article V of the Constitution of the State of Texas giving the Legislature authority to provide for appeal direct to the Supreme Court in cases involving injunctions granted or denied on the grounds of constitutionality or unconstitutionality of any statute or on validity or invalidity of administrative orders; providing for the submission of this amendment to the voters of this State; and providing for the necessary proclamation and expenses of publication.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article V of the Constitution of the State of Texas be amended by adding thereto a new Section to be known as Section 3-b, which shall read as follows:

"Sec. 3-b. The Legislature shall have the power to provide by law, for an appeal direct to the Supreme Court of this State from an order of any trial court granting or denying

an interlocutory or permanent injunction on the grounds of the constitutionality or unconstitutionality of any statute of this State, or on the validity or invalidity of any administrative order issued by any State agency under any statute of this State."

Sec. 2. The foregoing Constitutional amendment shall be submitted to the qualified voters of the State of Texas at the general election to be held on the 5th day of November, 1940, at which election all voters favoring such proposed amendment shall write or have printed on their ballots the words:

"For the amendment to the Constitution of the State of Texas authorizing the Legislature to provide for appeals direct to the Supreme Court in instances involving the constitutionality of certain laws and orders."

And those opposed shall write or have printed on their ballots the words:

"Against the amendment to the Constitution of the State of Texas authorizing the Legislature to provide for appeals direct to the Supreme Court in instances involving the constitutionality of certain laws and orders."

Sec. 3. The Governor of the State is hereby directed to issue the necessary proclamation for said election and have the same published as required by the Constitution and existing laws of the State.

Sec. 4. The sum of Ten Thousand (\$10,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State not otherwise appropriated, to pay the expenses of said publication and election.

On motion to Mr. Little, the report was adopted by the following vote:

Yeas—132

| | |
|------------------|----------------|
| Allen | Boyd |
| Allison | Boyer |
| Alsup | Bradbury |
| Anderson | Bradford |
| Bailey | Bray |
| Baker | Bridgers |
| of Fort Bend | Broadfoot |
| Baker of Grayson | Brown |
| Bell | of Nacogdoches |
| Blankenship | Bundy |
| Boethel | Burkett |
| Bond | Burney |

| | |
|--------------------|------------------|
| Cauthorn | Mays |
| Celaya | McAlister |
| Chambers | McDaniel |
| Clark | McFarland |
| Cleveland | McMurry |
| Colquitt | McNamara |
| Colson, Mrs. | Mohrmann |
| Cornett | Monkhouse |
| Corry | Montgomery |
| Crossley | Newell |
| Davis of Jasper | Nicholson |
| Davis of Upshur | Oliver |
| Derden | Pace |
| Dickison | Petsch |
| Dickson | Pevehouse |
| Donaghey | Piner |
| Dowell | Pope |
| Dwyer | Ragsdale |
| Faulkner | Reader of Bexar |
| Ferguson | Reader of Erath |
| Fielden | Reaves |
| Fuchs | Reed |
| Galbreath | Rhodes |
| Gilmer | Riviere |
| Goodman | Roach |
| Gordon, Mrs. | Roberts |
| Hale | Robinson |
| Hankamer | Russell |
| Hardeman | Segrist |
| Hardin | Skiles |
| Harp | Smith of Hopkins |
| Harper | Smith |
| Harrell of Bastrop | of Matagorda |
| Harrell of Lamar | Spencer |
| Harris | Stinson |
| Heflin | Stoll |
| Holland | Talbert |
| Howard | Tarwater |
| Howington | Taylor |
| Hull | Tennant |
| Hunt | Thornberry |
| Isaacks | Thornton |
| Johnson of Ellis | Turner |
| Keith | Vale |
| Kennedy | Vint |
| Kern | Voigt |
| Kerr | Waggoner |
| Kersey | Weldon |
| Kinard | Wells |
| King | Westbrook |
| Langdon | Wilson |
| Lehman | Winfree |
| Leyendecker | Wood |
| Little | Worley |
| Lock | Wright |
| London | |
| | Absent |
| Brown of Cherokee | Hamilton |
| Cockrell | Hartzog |
| Coleman | Leonard |
| Daniel | Loggins |
| Dean | McDonald |
| Felty | Morris |

| | |
|-------------|---------------|
| Schuenemann | Smith of Frio |
| Shell | White |

Absent—Excused

Johnson of Tarrant

EXTENDING INVITATION TO THE PRESIDENT OF THE UNITED STATES

Mr. Bradbury offered the following resolution:

H. C. R. No. 149, Extending invitation to the President of the United States.

Whereas, According to the newspaper reports, President Roosevelt, during the month of June, is expected to make a trip to the West coast; and

Whereas, The people of Teaxs would be glad to have him visit our State as he has done upon previous occasions; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That we extend an invitation to the President and his party to visit Texas while he is enroute to the West coast to spend as much time as possible within the boundaries of our State and to enjoy the hospitality of our people.

BRADBURY,
BURNEY,
SKILES.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, May 18, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following:

S. C. R. No. 54, Authorizing J. W. Millard of Nacogdoches County to sue the State.

Conference Committee Report on Senate Bill No. 206, by the following vote: Yeas, 25; Nays, 2.

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the present of the House, after giving due notice thereof, and their captions had been

read severally, the following enrolled bills:

S. B. No. 206, "An Act to simplify proceedings in delinquent tax suits; providing for a simplified form of petition; providing that such petition need not be verified; providing for a simplified form of citation, and declaring an emergency."

S. B. No. 464, "An Act providing for the jurisdiction of the County Court of Duval County; conferring upon said Court complete civil and criminal jurisdiction and general jurisdiction of the probate court due said court under the Constitution and General Laws of Texas; conforming the jurisdiction of the District and Justice Courts of said County to such change; repealing Chapter 60 of the Acts of the Forty-third Legislature, First Called Session and all other laws and parts of laws in conflict with this Act, and declaring an emergency."

HOUSE BILLS ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Bell:

H. B. No. 1098, A bill to be entitled "An Act to prohibit the sale or offering for sale, or the buying of any bass, crappie, perch or catfish or any other fish taken from any river, creek, lake, slough, bayou, tank or pond flowing or situated within the boundaries of DeWitt County; prescribing a penalty, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

Mr. Alsup asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1097.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Alsup:

H. B. No. 1097, A bill to be entitled "An Act making an appropriation of the Sum of Fifty Thousand (\$50,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise

appropriated, to pay the contingent expenses and per diem of Members, and declaring an emergency."

Referred to the Committee on Appropriations.

RECESS

Mr. Dwyer moved that the House recess until 2:30 o'clock p. m., today.

Mr. Thornton moved that the House recess until 2:00 o'clock p. m., today.

The motion of Mr. Dwyer prevailed, and the House, accordingly, at 12:05 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by Mr. Leonard.

LEAVE OF ABSENCE GRANTED

(By unanimous consent)

Mr. Smith of Frio for this afternoon, on account of important business, on motion of Mr. Little.

SENATE BILL NO. 427 ON PASSAGE TO THIRD READING

The House resumed consideration of pending business, same being Senate Bill No. 427, Departmental Appropriation Bill, on its passage to third reading.

The bill having heretofore been read second time, with committee amendment, by Mr. Thornton, pending.

Mr. Galbreath offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, page 106, by striking out lines 9 and 10. (Let the Gov. pay him.)

On motion of Mr. Thornton, the amendment was tabled.

Mr. Faulkner offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, page 107, line 11, to read as follows: "\$1,250.00".

On motion of Mr. Thornton, the amendment was tabled.

Mr. Hartzog offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, on page 113, by adding between lines 6 and 7, the following:

"50-1, Dredge Operator, \$1,260.00—\$1,260.00.

50-2, Dredge Operator, \$1,260.00—\$1,260.00.

51, Dredge Helper, \$1,200.00—\$1,200.00.

51-a, Dredge Helper, \$1,200.00—\$1,200.00.

52, Dredge Cook, \$1,200.00—\$1,200.00."

And on the same page between lines 9 and 10, the following:

"Provided further that the employees listed from 50 to 52-1 may also be used in cleaning right-of-way and all other necessary work in dredging and maintaining fishing passes."

The amendment was adopted.

Mr. Faulkner offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, page 107, line 39, "\$4,000.00".

On motion of Mr. Thornton, the amendment was tabled.

Mr. Davis of Upshur offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, line 12, page 120, by striking out the figures "\$1,800.00" wherever they appear, and inserting in lieu thereof the figures "\$2,400.00".

On motion of Mr. Thornton, the amendment was tabled.

Mr. Gilmer offered the following amendment to the committee amendment:

(1) Amend committee amendment No. 1 to Senate Bill No. 427, by striking out of page 121, line 18, the figures "\$2,100.00—\$2,100.00", and inserting in lieu thereof, the figures "\$2,400.00—\$2,400.00";

(2) and by striking out of line 19, the figures "\$1,500.00—\$1,500.00", and inserting in lieu thereof the figures "\$2,400.00—\$2,400.00";

(3) and by striking out of line 20, the figures "\$1,500.00—\$1,500.00", and inserting in lieu thereof the figures "\$2,400.00—\$2,400.00";

(4) and by striking out of line 21, the figures "\$2,400.00—\$2,400.00", and inserting in lieu thereof the figures "\$3,000.00—\$3,000.00";

(5) and by striking out of line 22, the figures "\$6,000.00—\$6,000.00", and inserting in lieu thereof, the figures "\$7,750.00—\$7,750.00";

(6) and by striking out of line 24, the figures "\$1,500.00—\$1,500.00", and inserting in lieu thereof, the figures "\$2,400.00—\$2,400.00";

(7) and inserting between lines 24 and 25, the following: "8. Assistant Secretary to State Highway, Engineer, \$1,500.00—\$1,500.00";

(8) and by striking out of line 25, the figures "\$2,400.00—\$2,400.00", and inserting in lieu thereof, the figures "\$2,448.00—\$2,448.00";

(9) and by striking out of line 26, the figures "\$1,800.00—\$1,800.00", and inserting in lieu thereof, the figures "\$1,890.00—\$1,890.00";

(10) and by striking out of line 27, the figures "\$3,600.00—\$3,600.00", and inserting in lieu thereof, the figures "\$4,200.00—\$4,200.00";

(11) and by striking out of line 30, the figures "\$3,300.00—\$3,300.00", and inserting in lieu thereof, the figures "\$3,600.00—\$3,600.00";

(12) and by striking out of line 31, the figures "\$2,400.00—\$2,400.00", and inserting in lieu thereof, the figures "\$2,700.00—\$2,700.00";

(13) and by striking out lines 32 and 33, and inserting in lieu thereof, the following: "11-5. Senior Office Assistant, \$1,800.00—\$1,800.00" "11-6. Senior Office Assistant, \$1,800.00—\$1,800.00";

(14) and by striking out of line 35, the figures "\$5,000.00—\$5,000.00", and inserting in lieu thereof, the figures "\$5,400.00—\$5,400.00";

(15) and by striking out of line 37, the figures "\$1,500.00—\$1,500.00", and inserting in lieu thereof, the figures "\$1,620.00—\$1,620.00";

(16) and by striking out on page 122, in line 6, the figures "\$1,350.00—\$1,350.00", and inserting in lieu thereof, the figures "\$1,500.00—\$1,500.00";

(17) and by inserting between lines 8 and 9, on page 122, the following: "17-3. Typist, \$1,200.00—\$1,200.00", "17-4. Typist, \$1,200.00—\$1,200.00", and "17-5. Typist, \$1,200.00—\$1,200.00";

(18) and by striking out of line 10, the figures "\$1,200.00—\$1,200.00", and

inserting in lieu thereof, the figures "\$1,320.00—\$1,320.00";

(19) and by striking out of line 11, the figures "\$1,200.00—\$1,200.00", and inserting in lieu thereof, the figures "\$1,320.00—\$1,320.00";

(20) and by striking out of line 12, the figures "\$1,200.00—\$1,200.00", and inserting in lieu thereof, the figures "\$1,320.00—\$1,320.00";

(21) and by striking out of line 20, the figures "\$1,260.00—\$1,260.00", and inserting in lieu thereof, the figures "\$1,350.00—\$1,350.00";

(22) and by striking out all of line 23, and inserting in lieu thereof, the following: "33. General File Clerk, "\$1,500.00—\$1,500.00";

(23) and by striking out all of lines 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38 and 39 and lines 16 to 20 inclusive, page 125, and inserting in lieu thereof, the following: "Stationery, office supplies, printing forms, rent on tabulating machines, postage, telegraph, telephone, machines, supplies and repairs, janitor's supplies, express, freight and drayage, registration supplies for counties and tax collectors and contingent expense "\$90,100.00—\$90,100.00";

(24) page 122, and by striking out of line 32, the figures "\$3,500.00—\$3,500.00", and inserting in lieu thereof, the figures "\$4,000.00—\$4,000.00";

(25) and by striking out on page 123, in line 4, and on page 125, line 23, the totals there shown, and correcting said totals to conform to the changes made by this amendment.

(Pending consideration of the amendment, Mr. Kersey occupied the Chair, temporarily.)

(Mr. Leonard in the Chair.)

Mr. Thornton moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—60

| | |
|----------------|-----------------|
| Allen | Burkett |
| Alsup | Chambers |
| Anderson | Corry |
| Bailey | Crossley |
| Bray | Daniel |
| Bridgers | Davis of Upshur |
| Brown | Derden |
| of Nacogdoches | Donaghey |

| | |
|-----------|-------------|
| Ferguson | Pope |
| Fielden | Reed |
| Fuchs | Rhodes |
| Hankamer | Roach |
| Hardin | Roberts |
| Harris | Russell |
| Heflin | Schuenemann |
| Holland | Shell |
| Howington | Skiles |
| Hull | Spencer |
| Isaacks | Stoll |
| Keith | Taylor |
| Kennedy | Tennant |
| Kern | Thornton |
| Kerr | Turner |
| Kersey | Vale |
| King | Vint |
| Langdon | Weldon |
| Lehman | Westbrook |
| McNamara | White |
| Mohrmann | Wilson |
| Nicholson | Wood |
| Pace | |

Nays—74

| | |
|-------------------|--------------------|
| Allison | Harrell of Bastrop |
| Baker | Hartzog |
| of Fort Bend | Howard |
| Baker of Grayson | Hunt |
| Bell | Johnson of Ellis |
| Blankenship | Johnson of Tarrant |
| Boethel | Leyendecker |
| Bond | Lock |
| Boyd | Loggins |
| Boyer | McAlister |
| Bradbury | McDaniel |
| Bradford | McFarland |
| Brown of Cherokee | McMurry |
| Bundy | Monkhouse |
| Burney | Montgomery |
| Cauthorn | Morris |
| Celaya | Newell |
| Clark | Oliver |
| Cleveland | Petsch |
| Cockrell | Pevehouse |
| Coleman | Piner |
| Colquitt | Reader of Bexar |
| Colson, Mrs. | Reader of Erath |
| Cornett | Reaves |
| Davis of Jasper | Riviere |
| Dickison | Robinson |
| Dickson | Segrist |
| Dowell | Smith of Hopkins |
| Dwyer | Smith |
| Faulkner | of Matagorda |
| Galbreath | Stinson |
| Gilmer | Talbert |
| Goodman | Tarwater |
| Hale | Thornberry |
| Hamilton | Waggoner |
| Hardeman | Wells |
| Harp | Winfree |
| Harper | Worley |

| Absent | |
|------------------|----------|
| Broadfoot | London |
| Dean | Mays |
| Felty | McDonald |
| Gordon, Mrs. | Ragsdale |
| Harrell of Lamar | Voigt |
| Kinard | Wright |
| Little | |

Absent—Excused

Smith of Frio

Mr. Faulkner called for a division of the questions in the amendment.

Question recurring on items 1, 2, 3 and 4 of the amendment, they were severally lost.

Question recurring on item 5 of the amendment, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows: Yeas, 62; Nays, 64.

A verification of the vote was requested.

Mr. Wood moved a call of the House, pending the verification, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted, as follows:

Yeas—58

| | |
|------------------|------------------|
| Allison | Hamilton |
| Baker | Hardeman |
| of Fort Bend | Harp |
| Baker of Grayson | Harper |
| Bell | Hartzog |
| Blankenship | Howard |
| Boethel | Hunt |
| Bond | Isaacks |
| Boyd | Johnson of Ellis |
| Bradford | Leyendecker |
| Bridgers | Lock |
| Bundy | Loggins |
| Burney | McDaniel |
| Cauthorn | McFarland |
| Celaya | Monkhouse |
| Cleveland | Montgomery |
| Colquitt | Morris |
| Colson, Mrs. | Newell |
| Cornett | Petsch |
| Davis of Jasper | Piner |
| Dickison | Reaves |
| Dowell | Segrist |
| Dwyer | Smith of Hopkins |
| Faulkner | Smith |
| Galbreath | of Matagorda |
| Gilmer | Stinson |
| Goodman | Tarwater |

| |
|------------|
| Thornberry |
| Waggoner |
| Wells |

| |
|---------|
| White |
| Winfree |
| Worley |

Nays—61

| | |
|--------------------|-------------|
| Allen | Kinard |
| Alsup | King |
| Bailey | Lehman |
| Boyer | London |
| Bradbury | McMurry |
| Bray | McNamara |
| Broadfoot | Mohrmann |
| Brown | Nicholson |
| of Nacodgoches | Oliver |
| Burkett | Pace |
| Chambers | Pope |
| Clark | Reed |
| Crossley | Riviere |
| Davis of Upshur | Roach |
| Derden | Roberts |
| Donaghey | Robinson |
| Felty | Russell |
| Ferguson | Schuenemann |
| Fielden | Skiles |
| Fuchs | Spencer |
| Hankamer | Stoll |
| Hardin | Taylor |
| Harris | Tennant |
| Holland | Thornton |
| Howington | Turner |
| Hull | Vale |
| Johnson of Tarrant | Vint |
| Keith | Weldon |
| Kennedy | Westbrook |
| Kern | Wilson |
| Kerr | Wood |

Present—Not Voting

Gordon, Mrs.

Absent

| | |
|--------------------|-----------------|
| Anderson | Little |
| Brown of Cherokee | Mays |
| Cockrell | McAlister |
| Coleman | McDonald |
| Corry | Pevehouse |
| Daniel | Ragsdale |
| Dean | Reader of Bexar |
| Dickson | Reader of Erath |
| Hale | Rhodes |
| Harrell of Bastrop | Shell |
| Harrell of Lamar | Talbert |
| Heflin | Voigt |
| Kersey | Wright |
| Langdon | |

Absent—Excused

Smith of Frio

The Chair announced that item 5 of the amendment was lost.

Items 6, 7, 8, 9, 10 and 11 of the amendment were severally lost.

Question recurring on items 12 to 22, inclusive, of the amendment, yeas and nays were demanded.

Items 12 to 22, inclusive, of the amendment were lost by the following vote:

Yeas—50

| | |
|------------------|------------------|
| Allison | Hardeman |
| Baker | Harp |
| of Fort Bend | Hartzog |
| Baker of Grayson | Howard |
| Bell | Hunt |
| Blankenship | Johnson of Ellis |
| Boethel | Kerr |
| Bond | Leyendecker |
| Boyd | McAlister |
| Bradford | Monkhouse |
| Bundy | Morris |
| Burney | Newell |
| Cauthorn | Petsch |
| Celaya | Reader of Bexar |
| Cleveland | Reader of Erath |
| Cockrell | Reaves |
| Colquitt | Segrist |
| Colson, Mrs. | Skiles |
| Davis of Jasper | Smith |
| Derden | of Matagorda |
| Dickison | Stinson |
| Dowell | Tarwater |
| Gilmer | Thornberry |
| Goodman | Waggoner |
| Hale | Wells |
| Hamilton | Worley |

Nays—81

| | |
|-------------------|--------------------|
| Allen | Fuchs |
| Alsup | Galbreath |
| Bailey | Hankamer |
| Bradbury | Hardin |
| Bray | Harper |
| Bridgers | Harrell of Bastrop |
| Broadfoot | Harrell of Lamar |
| Brown of Cherokee | Harris |
| Brown | Holland |
| of Nacogdoches | Howington |
| Burkett | Hull |
| Chambers | Isaacks |
| Clark | Johnson of Tarrant |
| Coleman | Keith |
| Cornett | Kennedy |
| Corry | Kern |
| Crossley | Kersey |
| Daniel | Kinard |
| Davis of Upshur | King |
| Dwyer | Langdon |
| Faulkner | Lehman |
| Felty | Little |
| Ferguson | Lock |
| Fielden | London |

| | |
|------------|-------------|
| McDaniel | Robinson |
| McFarland | Russell |
| McMurry | Schuenemann |
| McNamara | Spencer |
| Mohrmann | Stoll |
| Montgomery | Talbert |
| Nicholson | Taylor |
| Oliver | Thornton |
| Pace | Turner |
| Piner | Vale |
| Pope | Vint |
| Ragsdale | Weldon |
| Reed | Westbrook |
| Rhodes | White |
| Riviere | Wilson |
| Roach | Winfree |
| Roberts | Wood |

Present—Not Voting

Gordon, Mrs.

Absent

| | |
|----------|------------------|
| Anderson | McDonald |
| Boyer | Pevehouse |
| Dean | Shell |
| Dickson | Smith of Hopkins |
| Donaghey | Tennant |
| Heflin | Voigt |
| Loggins | Wright |
| Mays | |

Absent—Excused

Smith of Frio

Question recurring on items 23 and 24 of the amendment, they were severally lost.

Mr. Smith of Matagorda offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 427, page 121, line 22, item 6, by changing the figures each year from "\$6,000.00" to "\$7,500.00".

SMITH of Matagorda,
HOWARD,
FAULKNER.

Mr. Alsup raised a point of order, on further consideration of the amendment by Mr. Smith of Matagorda, at this time, on the ground that an identical amendment has been heretofore defeated.

The Chair overruled the point of order.

Mr. Thornton moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—68

| | |
|--------------------|-----------------|
| Allen | Kerr |
| Alsup | Kinard |
| Anderson | King |
| Bailey | Lehman |
| Bray | Little |
| Bridgers | McMurry |
| Broadfoot | McNamara |
| Brown | Mohrmann |
| of Nacogdoches | Nicholson |
| Burkett | Oliver |
| Chambers | Pace |
| Clark | Reader of Erath |
| Coleman | Reed |
| Colquitt | Rhodes |
| Corry | Riviere |
| Crossley | Roach |
| Derden | Roberts |
| Felty | Robinson |
| Ferguson | Russell |
| Fuchs | Schuenemann |
| Goodman | Shell |
| Hankamer | Skiles |
| Hardin | Spencer |
| Harrell of Lamar | Talbert |
| Harris | Taylor |
| Heflin | Tennant |
| Holland | Thornton |
| Howington | Turner |
| Hull | Vale |
| Isaacks | Vint |
| Johnson of Ellis | Weldon |
| Johnson of Tarrant | Westbrook |
| Keith | Wilson |
| Kennedy | Wood |
| Kern | |

Nays—63

| | |
|-------------------|--------------------|
| Baker | Dwyer |
| of Fort Bend | Faulkner |
| Baker of Grayson | Fielden |
| Bell | Galbreath |
| Blankenship | Gilmer |
| Boethel | Hale |
| Bond | Hamilton |
| Boyd | Hardeman |
| Bradbury | Harp |
| Bradford | Harper |
| Brown of Cherokee | Harrell of Bastrop |
| Bundy | Hartzog |
| Burney | Howard |
| Cauthorn | Hunt |
| Celaya | Kersey |
| Cleveland | Langdon |
| Colson, Mrs. | Lock |
| Cornett | London |
| Davis of Jasper | McAlister |
| Davis of Upshur | McDaniel |
| Dickson | McFarland |
| Dowell | Monkhouse |

| | |
|------------------|------------|
| Montgomery | Stinson |
| Morris | Stoll |
| Newell | Tarwater |
| Petsch | Thornberry |
| Ragsdale | Waggoner |
| Reader of Bexar | Wells |
| Reaves | White |
| Segrist | Winfree |
| Smith of Hopkins | Worley |
| Smith | Wright |
| of Matagorda | |

Absent

| | |
|--------------|-------------|
| Allison | Leyendecker |
| Boyer | Loggins |
| Cockrell | Mays |
| Daniel | McDonald |
| Dean | Pevehouse |
| Dickison | Piner |
| Donaghey | Pope |
| Gordon, Mrs. | Voigt |

Absent—Excused

Smith of Frio

Mr. Morris moved to suspend the necessary Rules, so as to permit the application of the previous question to the bill, Section by Section.

The motion was lost by the following vote:

Yeas—58

| | |
|--------------------|--------------|
| Allen | Langdon |
| Blankenship | Little |
| Bridgers | London |
| Brown of Cherokee | McDaniel |
| Brown | Mohrmann |
| of Nacogdoches | Monkhouse |
| Bundy | Morris |
| Burkett | Nicholson |
| Chambers | Oliver |
| Coleman | Pace |
| Colquitt | Ragsdale |
| Cornett | Rhodes |
| Davis of Jasper | Riviere |
| Davis of Upshur | Roach |
| Dickison | Robinson |
| Faulkner | Russell |
| Felty | Schuenemann |
| Fuchs | Shell |
| Harp | Skiles |
| Harrell of Bastrop | Smith |
| Hartzog | of Matagorda |
| Holland | Spencer |
| Howard | Stoll |
| Howington | Tarwater |
| Isaacks | Taylor |
| Johnson of Tarrant | Voigt |
| Kennedy | Waggoner |
| Kern | Wells |
| Kerr | Westbrook |
| King | Wilson |

Nays—67

| | |
|------------------|------------------|
| Alsup | Keith |
| Bailey | Kersey |
| Baker | Kinard |
| of Fort Bend | Lehman |
| Baker of Grayson | Lock |
| Bell | Loggins |
| Bond | McAlister |
| Boyd | McFarland |
| Boyer | McMurry |
| Bradbury | McNamara |
| Bradford | Montgomery |
| Bray | Newell |
| Burney | Petsch |
| Cauthorn | Reader of Bexar |
| Clark | Reader of Erath |
| Cleveland | Reaves |
| Colson, Mrs. | Reed |
| Corry | Roberts |
| Crossley | Segrist |
| Derden | Smith of Hopkins |
| Ferguson | Talbert |
| Fielden | Tennant |
| Galbreath | Thornberry |
| Gilmer | Thornton |
| Goodman | Turner |
| Hale | Vale |
| Hankamer | Vint |
| Hardeman | Weldon |
| Hardin | White |
| Harper | Winfree |
| Harrell of Lamar | Wood |
| Harris | Worley |
| Heflin | Wright |
| Hunt | |
| Johnson of Ellis | |

Absent

| | |
|-----------|--------------|
| Allison | Dwyer |
| Anderson | Gordon, Mrs. |
| Boethel | Hamilton |
| Broadfoot | Hull |
| Celaya | Leyendecker |
| Cockrell | Mays |
| Daniel | McDonald |
| Dean | Pevehouse |
| Dickson | Piner |
| Donaghey | Pope |
| Dowell | Stinson |

Absent—Excused

Smith of Frio

Mr. Galbreath offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to Senate Bill No. 427, by striking out of page 123, lines 22-23-24-25, the figures, "\$1,350.00," and adding the figures, "\$1,440.00".

On motion of Mr. Thornton, the amendment was tabled.

Mr. Tarwater offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to Senate Bill No. 427, by striking out on page 123, of line 7, the figures "\$3,600.00—\$3,600.00," and inserting in lieu thereof the figures "\$4,000.00—\$4,000.00."

And by striking out all of line 8, and inserting in lieu thereof, the following:

"Secretary and General Clerk, \$1,620.00—\$1,620.00."

And by striking out of line 9, the figures, "\$2,100.00—\$2,100.00," and inserting in lieu thereof the figures, "\$3,000.00—\$3,000.00."

And by striking out of line 10, the figures, "\$2,100.00—\$2,100.00" and inserting in lieu thereof the figures, "\$2,250.00—\$2,250.00."

And by striking out of line 13 the figures, "\$2,100.00—\$2,100.00," and inserting in lieu thereof the figures, "\$2,250.00—\$2,250.00."

And by striking out of line 14, the figures, "\$1,350.00—\$1,350.00," and inserting in lieu thereof the figures, "\$1,440.00—\$1,440.00."

And by striking out of line 15, the figures, "\$1,350.00—\$1,350.00," and inserting in lieu thereof the figures, "\$1,440.00—\$1,440.00."

And by striking out of line 16 the figures, "\$1,350.00—\$1,350.00," and inserting in lieu thereof the figures, "\$1,440.00—\$1,440.00."

And by striking out of line 17 the figures, "\$1,350.00—\$1,350.00," and inserting in lieu thereof the figures, "\$1,440.00—\$1,440.00."

And by striking out of line 19 the figures, "\$1,440.00—\$1,440.00," and inserting in lieu thereof the figures, "\$1,800.00—\$1,800.00."

And by striking out of line 21 the figures, "\$1,440.00—\$1,440.00," and inserting in lieu thereof the figures, "\$1,800.00—\$1,800.00."

And by striking out of line 26 the figures, "\$2,100.00—\$2,100.00," and inserting in lieu thereof the figures, "\$2,220.00—\$2,220.00."

And by striking out of line 27 the figures, "\$1,620.00—\$1,620.00," and inserting in lieu thereof the figures, "\$1,920.00—\$1,920.00."

And by striking out of line 28 the figures, "\$1,620.00—\$1,620.00," and inserting in lieu thereof the figures, "\$1,800.00—\$1,800.00."

And by striking out of line 29 the figures, "\$1,620.00—\$1,620.00," and

inserting in lieu thereof the figures, "\$1,800.00—\$1,800.00."

And by striking out of line 30 the figures, "\$2,100.00—\$2,100.00," and inserting in lieu thereof the figures, "\$2,160.00—\$2,160.00."

And by striking out of line 32 the figures, "\$1,620.00—\$1,620.00," and inserting in lieu thereof the figures, "\$1,800.00—\$1,800.00."

And by striking out of line 37 the figures, "\$1,500.00—\$1,500.00," and inserting in lieu thereof the figures, "\$1,800.00—\$1,800.00."

And by striking out of line 38 the figures, "\$2,400.00—\$2,400.00," and inserting in lieu thereof the figures, "\$2,750.00—\$2,750.00."

And by striking out on page 124 of line 5 the figures, "\$2,100.00—\$2,100.00," and inserting in lieu thereof the figures, "\$2,250.00—\$2,250.00."

And by striking out of line 6 the figures, "\$1,800.00—\$1,800.00," and inserting in lieu thereof the figures, "\$1,890.00—\$1,890.00."

And by striking out of line 7 the figures, "\$1,350.00—\$1,350.00," and inserting in lieu thereof the figures, "\$1,440.00—\$1,440.00."

And by striking out of line 9 the figures, "\$2,100.00—\$2,100.00," and inserting in lieu thereof the figures, "\$2,400.00—\$2,400.00."

And by striking out of line 11 the figures, "\$2,100.00—\$2,100.00," and inserting in lieu thereof the figures, "\$2,160.00—\$2,160.00."

And by striking out of line 13 the figures, "\$1,800.00—\$1,800.00," and inserting in lieu thereof the figures, "\$2,160.00—\$2,160.00."

And by striking out of line 15 the figures, "\$1,500.00—\$1,500.00," and inserting in lieu thereof the figures, "\$1,560.00—\$1,560.00."

And by striking out of line 17 the figures, "\$2,100.00—\$2,100.00," and inserting in lieu thereof the figures, "\$2,160.00—\$2,160.00."

And by striking out of line 18 the figures, "\$2,100.00—\$2,100.00," and inserting in lieu thereof the figures, "\$2,250.00—\$2,250.00."

And by striking out of line 19 the figures, "\$1,350.00—\$1,350.00," and inserting in lieu thereof the figures, "\$1,440.00—\$1,440.00."

And inserting between lines 19 and 20:

"Statistician, \$2,475.00—\$2,475.00."

And by striking out of line 20 the figures, "\$900.00—\$900.00", and in-

serting in lieu thereof the figures, "\$1,000.00—\$1,000.00."

And by striking out of line 23 the figures, "\$70,680.00—\$70,680.00," and inserting in lieu thereof the figures, "\$79,135.00—\$79,135.00."

Mr. Thornton moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—66

| | |
|--------------------|-----------|
| Allen | Kern |
| Alsup | King |
| Bailey | Langdon |
| Bond | Lehman |
| Bradbury | Lock |
| Bray | London |
| Bridgers | McDaniel |
| Broadfoot | McFarland |
| Brown | McMurry |
| of Nacogdoches | McNamara |
| Burkett | Nicholson |
| Chambers | Oliver |
| Clark | Pace |
| Coleman | Reed |
| Colquitt | Rhodes |
| Corry | Riviere |
| Davis of Jasper | Roach |
| Faulkner | Robinson |
| Ferguson | Russell |
| Fielden | Segrist |
| Fuchs | Skiles |
| Galbreath | Spencer |
| Hale | Stoll |
| Hankamer | Talbert |
| Harrell of Bastrop | Taylor |
| Harrell of Lamar | Thornton |
| Harris | Turner |
| Heflin | Vint |
| Holland | Weldon |
| Howington | Westbrook |
| Hull | White |
| Johnson of Tarrant | Wilson |
| Keith | Wood |
| Kennedy | |

Nays—38

| | |
|-------------------|------------------|
| Allison | Colson, Mrs. |
| Baker | Dowell |
| of Fort Bend | Gilmer |
| Baker of Grayson | Goodman |
| Bell | Hardeman |
| Boyd | Harp |
| Bradford | Hartzog |
| Brown of Cherokee | Howard |
| Bundy | Hunt |
| Burney | Isaacks |
| Cauthorn | Johnson of Ellis |
| Cleveland | Kerr |

| | |
|------------------|--------------|
| Monkhouse | Smith |
| Morris | of Matagorda |
| Newell | Stinson |
| Petsch | Tarwater |
| Reader of Erath | Thornberry |
| Reaves | Waggoner |
| Roberts | Wells |
| Smith of Hopkins | Worley |

Present—Not Voting

Davis of Upshur Gordon, Mrs.

Absent

| | |
|-------------|-----------------|
| Anderson | Leyendecker |
| Blankenship | Little |
| Boethel | Loggins |
| Boyer | Mays |
| Celaya | McAlister |
| Cockrell | McDonald |
| Cornett | Mohrmann |
| Crossley | Montgomery |
| Daniel | Pevehouse |
| Dean | Piner |
| Derden | Pope |
| Dickison | Ragsdale |
| Dickson | Reader of Bexar |
| Donaghey | Schuenemann |
| Dwyer | Shell |
| Felty | Tennant |
| Hamilton | Vale |
| Hardin | Voigt |
| Harper | Winfree |
| Kersey | Wright |
| Kinard | |

Absent—Excused

Smith of Frio

Question — Shall the committee amendment be adopted?

MESSAGE FROM THE GOVERNOR

The Chair laid before the House, and had read the following message from the Governor:

May 18, 1939.

To the Members of the House of Representatives of the Forty-sixth Legislature:

I am returning herewith House Bill No. 1045 without my approval.

This bill authorizes certain Commissioners Courts to fix their own salaries and while it states that they shall not pay themselves less than \$120.00 per month, it leaves the sky the limit on the upside.

This kind of delegation of authority appears to me as not being in keeping

with sound business principles, and I therefore cannot approve same.

W. LEE O'DANIEL,
Governor of Texas.

BILLS ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Bell, House Bill No. 1098 was ordered not printed.

On motion of Mr. Alsup, Senate Bill No. 446 was ordered not printed.

HOUSE BILL ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Kinard:

H. B. No. 1099, A bill to be entitled "An Act validating and approving all proceedings had by cities and towns in amending their corporate charters so as to eliminate any requirements in said charter that any portion of the annual ad valorem tax levied in said city or town shall be provided for or set apart for the use of the public free schools in said city or town, provided this Act shall only apply to cities and towns acting under a home rule charter and which charter sought to be amended provides that a portion of the annual ad valorem taxes levied shall be set apart for the use of the public free schools; and further provides that this Act shall not apply to such cities and towns unless such amendment to the charter was voted during the year 1938 and prior to the voting of said amendment the control of the public free schools in such cities and towns had been separated from the jurisdiction of said cities and towns and such public free schools were being operated under the control and jurisdiction of an independent school district, nor shall this Act be effective as to any city or town which did not during the year 1938 and prior to the voting of said charter amendment hold an election at which a majority of the votes cast authorized the issuance by said city or town of bonds to secure funds for making public improvements nor to any city or town in which the assessed value of property for the purposes of taxation as shown by the tax rolls of said city or town for the year 1938 was less than Six

Million, Seven Hundred and Eighty Thousand (\$6,780,000.00) Dollars or more than Six Million, Eight Hundred and Fifty Thousand (\$6,850,000.00) Dollars, and repealing Senate Bill No. 439, Acts of the Regular Session of the Forty-sixth Legislature; and further provided this Act shall not apply to any such proceedings the validity of which has been contested or attacked in any pending suit or litigation, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

RECESS

Mr. Kersey moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. White moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Thornton moved that the House recess until 10:00 o'clock a. m., tomorrow.

Mr. Bond moved that the House recess until 7:30 o'clock p. m., today.

The motion of Mr. Thornton prevailed, and the House, accordingly, at 5:10 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Counties: House Bill No. 1095.

Revenue and Taxation: House Bill No. 497.

Judiciary: Senate Bill No. 464.

Constitutional Amendments: House Joint Resolution No. 44.

Municipal and Private Corporations: House Bills Nos. 1092 and 1099.

Appropriations: House Bill No. 828; Senate Bill No. 446.

Education: House Bill No. 1094; Senate Bill No. 356.

Game and Fisheries: House Bill No. 1098.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, May 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 150, Requesting the State Highway Department to specify the use of products of materials produced or manufactured in Texas in the construction and maintenance of the system of State Highways.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 142, Granting Susan Robertson, et al the right to sue the State.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 18, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 149, Extending an invitation to the President of the United States to visit Texas while en route to the West Coast.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 18, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 153, Recalling House Bill No. 1080.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

In Memory of Caroline and Barbara Hancock

Mr. Derden offered the following resolution:

H. S. R. No. 288, In memory of Caroline and Barbara Hancock.

Whereas, The Hand of God works in strange and mysterious ways, and little do we understand. In bleak December the high peaks and mountain sides are draped with a blanket of driven snow, producing a scene so beautiful that man stands afar off to view with awe, only to melt and fade away with the warmth of Spring; yet out of it comes the clear sparkling waters of the brooks and rivers below in order that life might be sustained; and

Whereas, With the coming of each Spring He covers the hills, the valleys and the rolling plains with a spread of flowers reflecting against a clear blue sky all the color of the rainbow, a picture more beautiful than the hand of all aspiring artists have ever been able to reproduce, only to wither, to fade and to die under the blistering heat of Summer's sun; yet out of the heat of Summer comes the harvest of Fall, when man is permitted to gather into his storehouse the food for the sustenance of life. We therefore see, though we do not understand, that God's plan is a perfect plan, and ours is not to question why, though man, like flowers, spring into life to live, often for what we think is such a little time, and then to die; and

Whereas, God granted to this world and to the home of Mr. and Mrs. Sanford S. Hancock, of the Stranger community, in Falls County, two charming and beautiful daughters, Caroline, age 12, and Barbara, age 8; and

Whereas, On Wednesday, May 17, 1939, these two lovely daughters were suddenly and tragically called from the home of their parents and taken away in death, leaving their father and mother in grief and distress; and

Whereas, If ever in their life, Mr. and Mrs. Hancock need the consolation, sympathy and the kindly touch of the hands of their friends, they need them in this, the saddest hours of their lives; now, therefore, be it

Resolved by the House of Representatives of the Forty-sixth Legislature, That we deeply regret the passing of these sweet little girls, and extend our sincere sympathy to their bereaved family; and, be it further

Resolved, That a copy of this resolution be spread on the House Journal of today in their memory, and that the Chief Clerk send their parents a copy of this resolution under the Seal of the House of Representatives, and that when the House adjourns today, it do so in respect and in memory of Caroline and Barbara Hancock.

DERDEN,
McNAMARA.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Dickison,

Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Fielden, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.